



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst, Tooele County Commissioner
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*
Rusty Lundberg, *Executive Secretary*

MINUTES OF THE UTAH RADIATION CONTROL BOARD

December 9, 2014

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Peter Jenkins, CHP, Ph.D.
Ulrich Rassner, MD
Matt Rydalch
Scott Bird
Commissioner Jerry Hurst
Brady Bradford
Lindsey Christensen Nesbitt, Ph.D.
Rusty Lundberg, Executive Secretary

BOARD MEMBERS ABSENT/EXCUSED

Richard Codell, Ph.D.
Amanda Smith, Executive Director DEQ

DRC STAFF/OTHER DEO MEMBERS PRESENT

Craig Jones, DRC Section Manager
Phil Goble, DRC Section Manager
John Hultquist, DRC Section Manager
Laura Lockhart, AG Staff
Ryan Johnson, DRC Staff
Mike Givens, DRC Staff
Connie Rauen, DRC Staff
Spencer Wickham, DRC Staff
Scott Baird, DEQ Staff
Scott Anderson, DSHW Director
Lisa Mechem, DRC Staff
Eric Boone, DRC Staff
Deborah Nq, DSHW Section Manager

PUBLIC

Dan Shrum, EnergySolutions
Scott Hadden, Aribex
Laura Love, Public
Neil Love, Public

I. Welcome

Dr. Peter Jenkins, Chairman, called the meeting to order at 10:30a.m. He welcomed the Board Members and the public.

II. Approval of the Minutes from the December 9, 2014 Board Meeting

Dr. Peter Jenkins, Chairman, asked if any members of the Board had any corrections to the minutes for the December 9, 2014 Board Meeting. None were requested.

MOTION MADE BY MR. BRADY BRADFORD TO APPROVE THE MINUTES OF DECEMBER 9, 2014.

SECONDED BY MR. MATT RYDALCH .

MOTION CARRIED AND PASSED UNANIMOUSLY.

III. Administrative Rulemaking

a. Comment Period Extension:

- i. Mr. Rusty Lundberg, Executive Secretary, informed the Board of the request received from EnergySolutions to extend the comment period for R313-19 and R313-37. These rule changes adopt and implement federal requirements regarding protection of Category 1 and Category 2 sources of Radioactive material. The comment period was to end by December 1, 2014, but due to a petition for rulemaking that was submitted to the Nuclear Regulatory Commission (NRC) by the Nuclear Energy Institute regarding 10 CFR 37 and its relevance to this rulemaking, the extension was granted in a letter dated January 9, 2015.

b. R313-34, Requirements for Irradiators:

- i. Mr. Mike Givens reviewed the rulemaking actions for R313-34, Requirements for Irradiators, and requested the Board approve filing the required five-year review as well as an amendment to incorporate the proposed changes to update existing references to 10 CFR to the most current edition and initiate a 30-day public comment period for the proposed rule changes. Mr. Rusty Lundberg, Executive Secretary, further explained the Utah requirements and reason for filing the five-year review in order to keep the rule in place. Failing to file the five-year review causes the rule to expire and requires rulemaking to reinstate the rule and to justify the rationale for reinstating after failing to file the five-year review with the Division of Administrative Rules.

MOTION MADE BY MR. MATT RYDALCH TO ACCEPT THE DIVISION'S RECOMMENDATION AND TO APPROVE THE FILING OF THE FIVE-YEAR REVIEW AND A SEPARATE FILING OF THE PROPOSED CHANGES WITH A 30-DAY COMMENT PERIOD.

SECONDED BY DR. LINDSEY NESBITT

MOTION CARRIED AND PASSED UNANIMOUSLY.

c. Petition for rulemaking:

- i. Dr. Peter Jenkins, Chairman, informed the Board on the report from the Board Subcommittee which consisted of Dr. Peter Jenkins, Dr. Ulrich Rassner and Dr. Lindsey Nesbitt. He addressed Aribex petition to amend R313-28, Use of X-rays in the Healing Arts, for their NOMAD MD and NOMAD 75kV X-ray sources and expressed the subcommittee's concern to try and come up with a general rule that would cover all devices that fall under the same category. In their recommendation, the subcommittee changed the dose equivalent to exposure unit to facilitate the use of the machine by the operator to ensure members of the public are protected. The subcommittee supported the suggested new definition for Hand-held X-ray systems being added at R313-35-2, *Definitions*, and a new section being added to R313-35 as R313-35-115, *Portable, Hand-held X-ray Systems*. The subcommittee recommended that the Board to approve the petition for rulemaking with the additional changes proposed by the subcommittee. Dr. Jenkins asked Mr. Scott Hadden, Aribex, if he was in agreement with the recommendations made by the subcommittee. Mr. Hadden confirmed their request had been addressed and thanked the Board for taking the time to review their request.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT THE SUBCOMMITTEE'S RECOMMENDATION TO ADOPT THE PROPOSED CHANGES TO THE PETITION AND TO FILE FOR A PUBLIC COMMENT 30-DAY PERIOD

SECONDED BY DR. ULRICH RASSNER

MOTION CARRIED AND PASSED UNANIMOUSLY.

IV. Information Items

a. **Low-level Radioactive Waste - EnergySolutions**

- i. Depleted Uranium Performance Assessment – Mr. Rusty Lundberg, gave a status update and informed the Board of the request received from EnergySolutions that the start of the public comment period be delayed until April 2015. The public comment period that was expected to begin in January will now be held April to May 2015.

- V. **Recognition of Craig Jones** – Dr. Peter Jenkins, Chairman presented an award and recognized Mr. Craig Jones for his outstanding service and commitment to the Division of Radiation Control and the Utah Radiation Control Board. Mr. Jones is retiring after working 30 years with the State of Utah.

VI. Public Comment

No comment was received.

VII. Next Scheduled Board Meeting:

Tuesday, January 13, 2014, 1:00 p.m.

Multi Agency State Office Building, Board Conference Room #1015

195 North 1950 West

Salt Lake City, Utah

Meeting Adjourned 11:05 AM

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Dana Powers at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: dpowers@utah.gov